

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620



JOHN BOHLINGER
LT. GOVERNOR

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 271 (HB 271), **"AN ACT REVISING THE LAW RELATED TO THE OFFENSE OF CARRYING A CONCEALED WEAPON; PROVIDING THAT THE LAW DOES NOT APPLY TO A PERSON WHO IS ELIGIBLE TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW; AND AMENDING SECTION 45-8-317, MCA."**

House Bill 271 would allow anyone "eligible to possess a handgun under state or federal law" to carry a concealed weapon, without a permit. This allows the individual to make his or her own eligibility determination and deprives law enforcement of the opportunity to consider whether the person is a threat to the community.

Obviously, this bill would greatly imperil the work and safety of Montana's lawmen, including sheriffs and highway patrolmen. Under current law, Montana's sheriffs are responsible for issuing concealed weapon permits. This is as it should be. Sheriffs are dedicated, locally-elected, boots-on-the-ground officials who have the best sense of their community when it comes to law enforcement and public safety. In this regard, I would note that HB 271 is opposed by the Montana Sheriffs and Peace Officers Association, and also the Montana Department of Justice, the Montana County Attorneys Association, the Montana Association of Chiefs of Police, and the Montana Police Protective Association.

HB 271 would entirely remove the Sheriff's authority and discretion to issue or deny concealed weapons permits. It would also, paradoxically, dismantle many reasonable Montana laws and regulations which ensure that permit-holders are not unduly burdened. For example, HB 271 would void our state's reciprocity agreements with more than 30 states that recognize concealed weapon permits; and it would void our laws that allow Montana permit-holders to forgo the background check required for a firearm purchase.

Finally, I would like the sponsors of this bill to consider the absurdity of the standard set forth in HB 271. If this standard were applied to the issuance of other permits and licenses in our society, then nobody could be prosecuted for failure to produce a driver's license, a commercial driver's license, a pilot's license, a building permit, a hunting license, or any other type of permit. These documents would not be necessary. People

would simply have to produce evidence that they were “eligible” to possess them.

Sincerely,



BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division